

HOUSE BILL NO. 327

INTRODUCED BY GROESBECK, BERGREN, JOPEK, DRISCOLL, JENT, SESSO, MCALPIN,
MUSGROVE, HENRY, HINER, NOONAN, KEANE, GALVIN-HALCRO, GOLIE, SMALL-EASTMAN,
WILSON, MCNUTT, DOWELL, JAYNE, HARRIS, EATON, DICKENSON, HAMILTON, VILLA, WINDY BOY,
JACOBSON, WISEMAN, FACEY, BRANAE, KLOCK, BIXBY, KAUFMANN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SILICOSIS BENEFITS; APPROPRIATING FUNDS TO
THE DEPARTMENT OF LABOR AND INDUSTRY TO INCREASE SILICOSIS BENEFITS BY \$50 A MONTH
FOR EACH INDIVIDUAL RECEIVING BENEFITS; AMENDING SECTIONS 39-73-101, 39-73-103, 39-73-104,
39-73-107, AND 39-73-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 39-73-101, MCA, IS AMENDED TO READ:

"39-73-101. Definitions. (1) "Examining board" ~~shall mean~~ means a well-qualified physician or
physicians, as designated by the department of labor and industry.

(2) The term "gainful occupation", ~~as used herein, shall~~ may not be construed to mean occasional or
intermittent light employment where the ability to do manual labor is not essential but ~~shall mean~~ means any
person having an income from any other source exceeding ~~\$150~~ \$300 per month.

(3) "Payments" means money payments to persons having silicosis ~~as herein defined~~.

(4) "Silicosis" means a fibrotic condition of the lungs due to the inhalation of silica dust."

SECTION 2. SECTION 39-73-103, MCA, IS AMENDED TO READ:

"39-73-103. Conformity with acts of federal government. If the government of the United States
makes grants to states in aid of and allowing payments to persons having silicosis, the department of labor and
industry is authorized to administer the grants-in-aid and payments in addition to grants made by this chapter.
The total payments to any individual under this chapter may not exceed ~~\$250~~ \$300 a month, exclusive of any
grants made by congress."

SECTION 3. SECTION 39-73-104, MCA, IS AMENDED TO READ:

1 **"39-73-104. Eligibility requirements for benefits.** Payment ~~shall~~ must be made under this chapter

2 to any person who:

3 (1) has silicosis, as defined in 39-73-101, ~~which that~~ results in ~~his~~ the person's total disability so as to
4 render it impossible for ~~him~~ the person to follow continuously any substantially gainful occupation;

5 (2) has resided in and been an inhabitant of the state of Montana for 10 years or more immediately
6 preceding the date of the application;

7 (3) is not receiving, with respect to any month for which ~~he~~ the person would receive a payment under
8 this chapter, compensation under ~~The~~ the Occupational Disease Act of Montana, as provided by chapter 72 of
9 this title, ~~which will~~ equal to the sum of ~~\$200~~ \$300."

10
11 **SECTION 4. SECTION 39-73-107, MCA, IS AMENDED TO READ:**

12 **"39-73-107. Amount of payments.** Subject to the provisions of this chapter and the deductions
13 provided in this chapter, any person who has silicosis and who has, subject to the regulations and standards of
14 the department of labor and industry, been determined by the department to be entitled payment under this
15 chapter for silicosis must be granted a payment by the department of ~~\$250~~ \$300 a month, subject to any
16 additional appropriations. If the person is receiving payments under the Occupational Disease Act of Montana,
17 as provided by chapter 72 of this title, that are less in the aggregate than ~~\$200~~ \$300, then the person is entitled
18 to a payment under this chapter of the difference between the amount received under the Occupational Disease
19 Act of Montana, as provided by chapter 72 of this title, and ~~\$250~~ \$300 a month. The legislature shall authorize
20 additional appropriations that may be necessary to make the increased monthly payments provided in this
21 section."

22
23 **SECTION 5. SECTION 39-73-109, MCA, IS AMENDED TO READ:**

24 **"39-73-109. Payment of benefits to surviving spouse.** (1) Upon the death of a person receiving
25 payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as the spouse remains
26 unmarried, is entitled to receive the payments granted the deceased spouse.

27 (2) A person who otherwise is qualified to receive payments under subsection (1) but whose spouse
28 died prior to March 14, 1974, is eligible to begin receiving ~~\$150~~ \$300 a month. ~~However, a person is not eligible~~
29 ~~for these payments if the spouse's taxable income is \$6,800 or more a year."~~

1 NEW SECTION. **Section 6. Appropriation.** The following money is appropriated from the general fund
2 to the department of labor and industry to fund an increase of \$50 a month for each individual who receives
3 silicosis benefits:

4	Fiscal year 2006	\$27,000
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5	Fiscal year 2007	27,000
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7 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2005.

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